

Applicant Initiated Interview Request Form

Application No.: 10/535,172
Examiner: Scott SciacciaFirst Named Applicant: Subramanian
Art Unit: 2446
Status of Application: After Final

Tentative Participants:

(1) David Moorman (2) Marc Asperas
(3) _____ (4) _____

Proposed Date of Interview: 03/16/2010 Proposed Time: 2pm EDT (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video ConferenceExhibit To Be Shown or Demonstrated: YES NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1, 17, 24</u>	<u>Fishers, Gleeson</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Continuation Sheet Attached Proposed Amendment or Arguments Attached

Brief Description of Arguments to be Presented: _____

See attached sheet

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/David R. Moorman/

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

David R. Moorman

Typed/Printed Name of Applicant or Representative
59323

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Re: US Application No. 10/535,172
By: David Moorman
Date: 10 March 2010

Summary of Arguments for Examiner Interview

As explained below, the rejection of the independent claims over Fishers in view of Gleeson is improper because neither Fishers nor Gleeson disclose a data switch that identifies whether a MAC address is associated with a port, and there has not been a clear articulation of any evidence or rationale for modifying either Fishers or Gleeson to arrive at a data switch that identifies whether a MAC address is associated with a first port before not inserting an association between the MAC address and the first port into the table.

Fishers was cited as disclosing all of the limitations of claim 1 including a data switch configured to not insert an association between a certain MAC address and the first port. Fishers was not cited as disclosing, nor does it disclose, that the data switch is configured to not insert the association when the data switch identifies that the MAC address is associated with the first port. Gleeson was cited as teaching the general concept that address learning may be disabled for a port. According to the Examiner, it would have been obvious to modify the data switch of Fishers so that it does not insert an address into the table when address learning is disabled for the port as taught by Gleeson.

However, claim 1 requires that the data switch be “configured to not insert an association between a certain *MAC address* and said first one of the ports into said table when the data switch identifies that the certain *MAC address* is associated with said first one of the ports.” Thus, claim 1 requires that the data switch make an identification of whether a *MAC address* is associated with the first port before not inserting an association between the MAC address and the first port into the table.

As admitted by the Examiner, Fishers does not disclose that that the data switch identifies whether a MAC address is associated with the first port before not inserting an association between the MAC address and the first port into the table. In Fishers, the router 110 learns a MAC address associated with the LAN port 140 by watching for ARP packets with the IP address of the ISP gateway and copying the IP address and MAC

address of the sender CPE into the table from the ARP. There is no disclosure in Fishers of identifying whether a MAC address is associated with any port, let alone the first port.

Gleeson was cited for disclosing that IP address learning may be disabled for a port. Gleeson, however, does not disclose that *MAC address* learning may be disabled for a port. To the contrary, Gleeson discloses that MAC address learning continues for a port even when IP address learning is disabled for the port. In addition, Gleeson discloses that MAC addresses continue to be added to the layer 2 database when IP address learning is disabled. (Gleeson, col. 6, lines 27-54). Thus, Gleeson teaches away from not inserting an association between a MAC address and a first port into a table when it is identified that the MAC address is associated with the first port.